

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 6, 1999.

Shirley L. Laboy



GR3X59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael D. LAUFER

Serial No.: 09/095,323

Filing Date: June 10, 1998

For: METHOD AND APPARATUS FOR  
TREATING SMOOTH MUSCLES IN  
THE WALLS OF BODY CONDUITS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

RECEIVED  
DEC 13 1999  
Group 3700

TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Revocation of Prior Power of Attorney and Power of Attorney and Prosecution by Assignee under 37 C.F.R. § 3.71;
2. Verified Statement Claiming Small Entity Status;
3. Certificate Under 37 C.F.R. §3.73(b), with a copy of the Sole Assignment.

The Assistant Commissioner is hereby authorized to charge any fees under  
37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any  
overpayment, to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: December 6, 1999

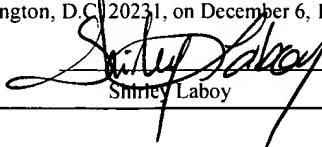
By:   
Sanjay S. Bagade  
Registration No. 42,280

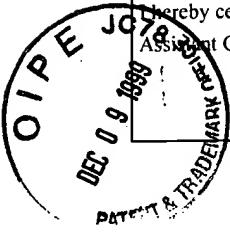
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5720  
Facsimile: (650) 494-0792

RECEIVED  
DEC 13 1999  
Group 3708

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 6, 1999.

  
Shirley Laboy



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
DEC 13 1999

Group 3700

In the application of:

Michael D. LAUFER

Serial No.: 09/095,323

Filing Date: June 10, 1998

For: METHOD AND APPARATUS FOR  
TREATING SMOOTH MUSCLES IN  
THE WALLS OF BODY CONDUITS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**REVOCATION OF PRIOR POWER OF ATTORNEY AND  
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Broncus Technologies, Inc., assignee of the entire right, title and interest in this patent application, hereby revoke all Powers of Attorney previously granted relating to this application and appoint as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

Sanjay Bagade (Reg No. 42,280)  
Richard R. Batt (Reg No. 43,485)  
Kimberly A. Bolin (Reg No. P-44,546)  
Sean Brennan (Reg No. 39,917)  
Nicholas Buffinger (Reg No. 39,124)  
Alan W. Cannon (Reg No. 34,977)  
Robert K. Cerpa (Reg No. 39,933)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Stephen C. Durant (Reg No. 31,506)  
Hector Gallegos (Reg No. 40,614)

Erwin J. Basinski (Reg No. 34,773)  
Frank P. Becking (Reg No. 42,309)  
Timothy J. Bortree (Reg No. 43,506)  
Barry E. Bretschneider (Reg No. 28,055)  
Jingming Cai (Reg No. P-44,579)  
Mark R. Carter (Reg No. 39,131)  
Thomas Chuang (Reg No. P-44,616)  
Steven X. Cui (Reg No. P-44,637)  
Raj S. Davé (Reg No. 42,465)  
Carolyn A. Favorito (Reg No. 39,183)  
Kenneth R. Glock (Reg No. 28,612)

Hector Gallegos (Reg No. 40,614)  
Franklin Y. Han (Reg No. 41,055)  
Charles D. Holland (Reg No. 35,196)  
Madeline I. Johnston (Reg No. 36,174)  
Ararat Kapouytian (Reg No. 40,044)  
Kawai Lau (Reg No. 44,461)  
Richard H. Lilley (Reg No. 42,803)  
Wen Liu (Reg No. 32,822)  
Harry J. Macey (Reg No. 32,818)  
Thomas D. Mays (Reg No. 34,524)  
Kate H. Murashige (Reg No. 29,959)  
William C. Revelos (Reg No. 42,101)  
Robert Saltzberg (Reg No. 36,910)  
Kevin R. Spivak (Reg No. 43,148)  
E. Thomas Wheelock (Reg No. 28,825)  
Karen K. Wong (Reg No. 44,409)

Kenneth R. Glock (Reg No. 28,612)  
Douglas Hodder (Reg No. 41,840)  
Peter Hsieh (Reg No. P-44,780)  
Richard D. Jordan (Reg No. 33,519)  
Phanesh B. Koneru (Reg No. 40,053)  
Susan K. Lehnhardt (Reg No. 33,943)  
David C. Liu (Reg No. P-43,755)  
David C. Lundmark (Reg No. 42,815)  
Michael J. Mauriel (Reg No. 44,226)  
Gladys H. Monroy (Reg No. 32,430)  
Catherine M. Polizzi (Reg No. 40,130)  
Paul J. Riley (Reg No. 38,596)  
Debra A. Shetka (Reg No. 33,309)  
Suzannah K. Sundby (Reg No. 43,172)  
Thomas G. Wiseman (Reg No. 35,046)  
Frank Wu (Reg No. 41,386)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone: (650) 813-5600, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications relative to this application to:

Sanjay S. Bagade  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Sanjay S. Bagade at (650) 813-5720.

Broncus Technologies, Inc.  
a California corporation

Dated: November 18, 1999



Name: Gary Kaplan  
Title: Vice President, Operations  
Address: 1400 Shoreline Boulevard  
Building A, Suite 8  
Mountain View, California 94043

Applicant/Patentee: Michael D. LAUFER

Serial No./Patent No.: 09/095,323

Filed on/Issued : June 10, 1998

For: METHOD AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS

Docket No.: 435712000900

Client Reference: 009

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN

RECEIVED

DEC 13 1999

Group 3700

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Broncus Technologies, Inc.

ADDRESS OF CONCERN: 1400 N. Shoreline Boulevard, Building A, Suite 8, Mountain View, California 94043.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS by inventor Michael D. LAUFER described in

- the specification filed herewith with title as listed above.
- the application identified above.
- the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.
- each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

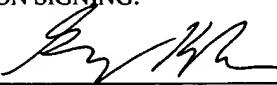
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

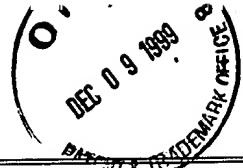
Gary Kaplan

TITLE OF PERSON IF OTHER THAN OWNER: Vice President, Operations

ADDRESS OF PERSON SIGNING: 1400 N. Shoreline Boulevard, Building A, Suite 8, Mountain View, California 94043.

SIGNATURE: 

DATE: 11/18/99

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Docket No. 425712000900

In the application of: Michael D. LAUFER  
Serial No.: 09/095,323  
Filed: June 10, 1998  
For: METHOD AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS

Broncus Technologies, Inc, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From :

To:

The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

2. From :

To:

The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

3. From :

To:

The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

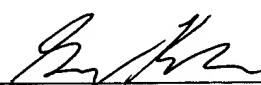
Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11 / 10 / 99

  
Name: Gary Kaplan  
Title: Vice President, Operations

ASSIGNMENT  
SOLE

COPY

THIS ASSIGNMENT, by Michael D. LAUFER (hereinafter referred to as the assignor), residing at 1259 El Camino Real, #221, Menlo Park, California 94025, witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in METHOD AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/095,323 and filed on June 10, 1998; and

WHEREAS, Broncus Technologies, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 1400 N. Shoreline Boulevard, Building A, Suite 8, Mountain View, California 94043 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

11-24-99

Date

Michael D. LAUFER